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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,476	01/02/2001	Joan L. Carbrey Palango	ALPINE.001AUS	4172

7590 03/22/2007  
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EXAMINER
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POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/752,476

Applicant(s)

CARBREY PALANGO ET AL.

Examiner

Robert M. Pond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

All pending claims 17-28 were examined in this non-final office action as necessitated by pre-appeal brief review decision entered on 26 December 2006.

### ***Response to Arguments***

Applicant's arguments with respect to claims 17-29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

- 1. Claims 17-20, 22-24, 27, and 29 are rejected under 35 USC 103(a) as being unpatentable over Geller (US 5,844,544) in view of Gilroy (PTO-892).**

Geller teaches a computer-implemented method of generating a user product configuration with user controls to specify product requirements in a constraint-based configuration modeling program (see at least abstract; col. 1, lines 5 through col. 5, line 34). Geller teaches the system server remotely connecting to a laptop computer via a LAN, WAN, Internet, or other communication facility (see at least Fig. 2; col. 8, lines 15-17). Geller teaches configuring a sound system

within the confines of an automobile and providing a final configuration that meets the customer's requirements (see at least Figs. 6, 14A, 14B, 15A, 15B). Geller teaches parameters, queries, and constraints can be displayed in expandable and collapsible hierarchies, and quickly utilized in formulas, queries, and logical expressions by clicking in an expanded hierarchical display (see at least abstract; col. 4, lines 38-46). Geller further teaches:

- accessing a supplier terminal by a customer terminal through a communication network for activating a user graphic interface on the customer terminal; main user screen; graphical user interface (see at least Fig. 6; col. 10, lines 29-43).
- displaying a demonstration screen which shows examples of products available from the supplier; selection box (616) used to display available products (see at least Fig. 6; col. 10, lines 44-53; col. 16, lines 1-61).
- listing a plurality of main systems each being expressed by an image of the main system and statements describing the main system; displays a plurality of main systems with respective visual images (see at least Fig. 6, col. 16, lines 1-61).
- selecting one of the main systems that matches customer's requirements; displaying a plurality of sub-systems within the main system each being expressed by an image of the sub-system and associated statements where the image shows relationships among components in the sub-system; displays selected main system with subsystem. For example, Fig.

7 shows under Engine tab, engine/transmission options, suspension options, and special axle options. See at least Fig. 7 (612c, 715, 716, 718; col. 17, lines 10-29).

- selecting one of the sub-systems that matches the customer's requirements, wherein the steps of displaying and selecting main systems and sub-systems can be repeated in a back and forth manner wherein images of two or more different main systems and two or more different sub-systems are displayed during the steps thereby facilitating selection of a desired system; user can input budget requirements as a constraint. For example, the user inputs \$30,000 as a budget constraint (see Fig. 6 (605); col. 16, line 23) and configures a system under the budget constraint (see Fig. 6 (607); col. 16, line 25), and goes over the budget constraint (see Fig. 6 (607, 2304/607); col. 31, lines 8-19). Although Geller does not disclose going back and forth, Geller discloses preferred software will allow experimentation with different configurations, helping to ensure that the final configuration is really what the customer wants (see at least col. 10, lines 25-28). It would have been obvious to one of ordinary skill in the art at time the invention was made that the user can go back and forth to experiment with different configurations. For example, the user selects a particular model (e.g. Gluon model) with a maximum budget of \$30,000 and then changes the selection and/or maximum budget to select a

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different main system (e.g. Meson) (see at least Fig. 6 (630, 632. "Line: Meson" dropdown box); col. 16, lines 50-61).

- supplying information regarding customer's vehicle for determining fitment of the components with respect to physical conditions of the customer's vehicle; valid configurations are constrained by fitment. For example, a logically invalid configuration might be to specify a rear seat shoulder harness option on a two-seater convertible model automobile (see col. 9, lines 60-66).
- displaying a list of recommended components appropriate for configuring the selected sub-system in which each component being accompanied by price information and model name, (see Figs. 6 ("base price" 620); Fig. 7 ("Option MSRP" 720); col. 17, lines 26-29) wherein the recommended components are listed in an order of priority determined based on predetermined factors (see at least Fig. 14A; Fig. 14B (Standard, High Performance Package #1, High Performance Package #2, After Market Setup Only). Although Geller does not disclose whether a special kit is required or not for a particular component is displayed based on the fitment with the customer's vehicle, Geller in view of Gilroy teaches and suggests the claimed invention. Geller teaches a system and method of providing valid configurations and further teaches the system helping the customer configure a sound system for the selected automobile as previously noted and provides for an aftermarket setup. On the other

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hand, Gilroy teaches both 800.com and Crutchfield.com, a consumer electronics web site, implementing online configurators for their online customers. Gilroy further teaches Crutchfield and 800.com selling installation kits or including for free an installation kit and wiring harnesses (please note: special kits). Therefore it would have been obvious to one of ordinary skill in the art at time the invention was made to modify the system and method of Geller to indicate a special kit when required and that the customer can interface directly with the product configurator via the Internet, in order to provide a valid configuration for an online customer configuring a sound system for the selected automobile.

- notifying the customer when a combination of components resulted from a selection of component made by the user is incurable; invalid indicators (e.g. red flag or icon (see at least col. 2, lines 57-65); reversed highlighted and "X" tabs (see at least Fig. 25 (605, 612a, 612b); col. 31, lines 12-19).
- and selecting components configuring the sub-system that match the customer's requirement. Creates a valid configuration based on customer's requirement as noted above.
- Component price and total subsystem price: subtotals total options and subtotals options within a subsystem page (see at least Fig. 6, Fig. 7; 14A-B, 15A-B).
- Priority. Displays options based on predetermined priority (e.g. standard, high performance #1, high performance #2) (see Fig. 14B).

**2. Claim 21 is rejected under 35 USC 103(a) as being unpatentable over Geller (US 5,844,544) and Gilroy (PTO-892).**

Geller and Gilroy teach all the above as noted under the 103(a) rejection and teach displaying images of the main systems (i.e. vehicle models). Although Geller and Gilroy do not disclose displaying images of subsystems, it would have been obvious to one of ordinary skill in the art at time the inventions was made that displaying system images on subsystem pages is a matter of design choice.

**3. Claims 25 and 26 are rejected under 35 USC 103(a) as being unpatentable over Geller (US 5,844,544) and Gilroy (PTO-892), as applied to claim 17, further in view Dietz (PTO-892, Item: W).**

Although Geller and Gilroy do not disclose vehicle information is used for determining a dashboard size for head units in the customer's vehicle and determining opening sizes for speakers, Geller and Gilroy further in view of Dietz teach and suggest the claimed invention. Geller and Gilroy teach all the above as noted under the 103(a) rejection and teach configuring a car with a sound system. On the other hand, Dietz teaches using configurators in sales automation and further teaches:

"For example, if a car buyer specifies an option package with a radio, the model logic will 'know' that speakers will also have to be included.

Most good configurators can do that," Serabian said. "Selling Point takes



the process a step further by also knowing how the selected radio and speakers will fit into the particular cabin or dashboard, given all the other options that the customer has selected, because the model can also take into account geometric requirements such as space and .." (see at least page 6).

"Geometry is really the key," said Peter DiToro, a market development manager at Concentra. "Selling Point gives companies a validation that they can actually build the design that they quoted to the customer. It can also perform a margin analysis at the time of configuration to make sure that the company will make a profit at the quoted price." (see at least page 6).

Therefore it would have been obvious to one of ordinary skill in the art at time the invention was made to modify the system and method of Geller and Gilroy to implement geometric requirements to account for component geometries by a configurator as taught by Dietz, in order to implement valid configurations based on geometric constraints.

- 4. Claim 28 is rejected under 35 USC 103(a) as being unpatentable over Geller (US 5,844,544) and Gilroy (PTO-892), as applied to claim 17, further in view of Geller (PTO-892, Item: V).**

Although Geller and Gilroy do not disclose listing the component selection page based on predetermined factors including prices, popularity, and amounts

of stocks, Geller and Gilroy further in view of Geller (Item V) teach and suggest the claimed invention. Geller and Gilroy teach all the above as noted under the 103(a) rejection and teach listing option in general priority. On the other hand, Geller (Item V) teaches configurators in general, rules-based configurators, constraint-based configurators, and hybrid combinations. Geller teaches a BT Squared Technologies configurator (see attached photo) the assignee of Geller US 5,844,544. Geller (Item V) further teaches using configurators to optimize important seller criteria, margin (note: driven by price vs. cost) and inventory utilization (please note: impacts amount of stocks and driven by popularity) (V: see at least page 2). Therefore it would have been obvious to one of ordinary skill in the art at time the invention was made to modify Geller and Gilroy to list components based on seller priorities as taught by Geller, in order to optimize seller criteria, and thereby optimize seller profit and inventory utilization.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Roth; "The recipe for e-commerce success," Call Center CRM Solutions, May 2000, v18i11pg62, Proquest #53917104, 6pgs; teaches Crutchfield.com's use of an online configurator to help customers determine which stereo components would fit and which would require panel modifications for the customer's make, model, and year of car (page 5).
- US 5,515,524 (Lynch et al.) 07 May 1996; teaches constraint-based configurators and use applicable to consumer electronics.
- US 2002/0010655 (Kjallstrom) 24 January 2002; teaches 2D and 3D presentation of components managed by a configurator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond  
Primary Examiner  
16 March 2007